

**CITY OF GRAHAM  
SPECIAL SESSION  
TUESDAY, APRIL 14, 2015  
7:00 P.M.**

The City Council of the City of Graham met in special session at 7:00 p.m. on Tuesday, April 14, 2015, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Jim Albright  
Council Member Lee Kimrey  
Council Member Chip Turner

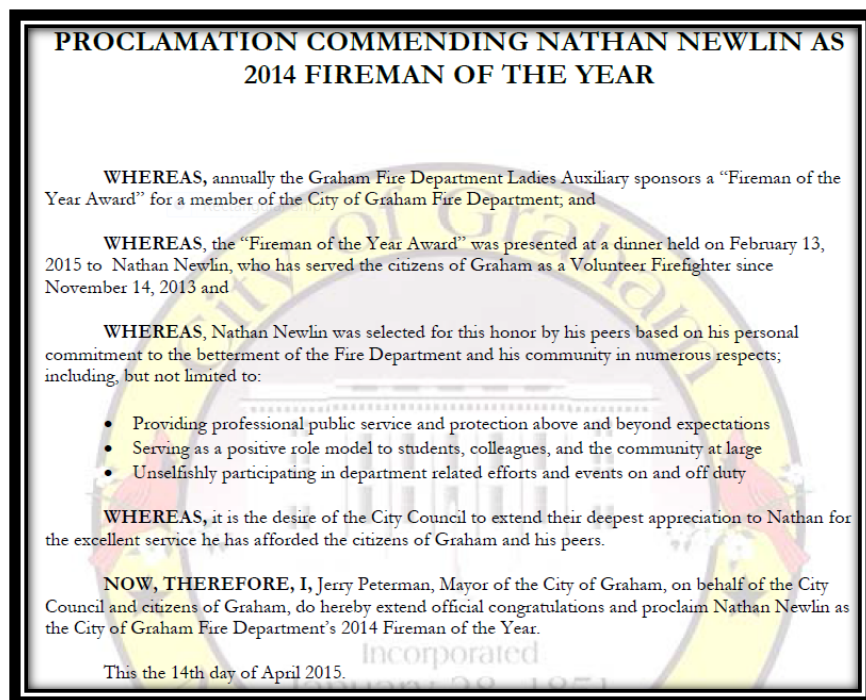
**Also Present:**

Frankie Maness, City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Michael Leinwand, Special Projects Coordinator  
Keith Whited, City Attorney  
John Andrews, Fire Chief

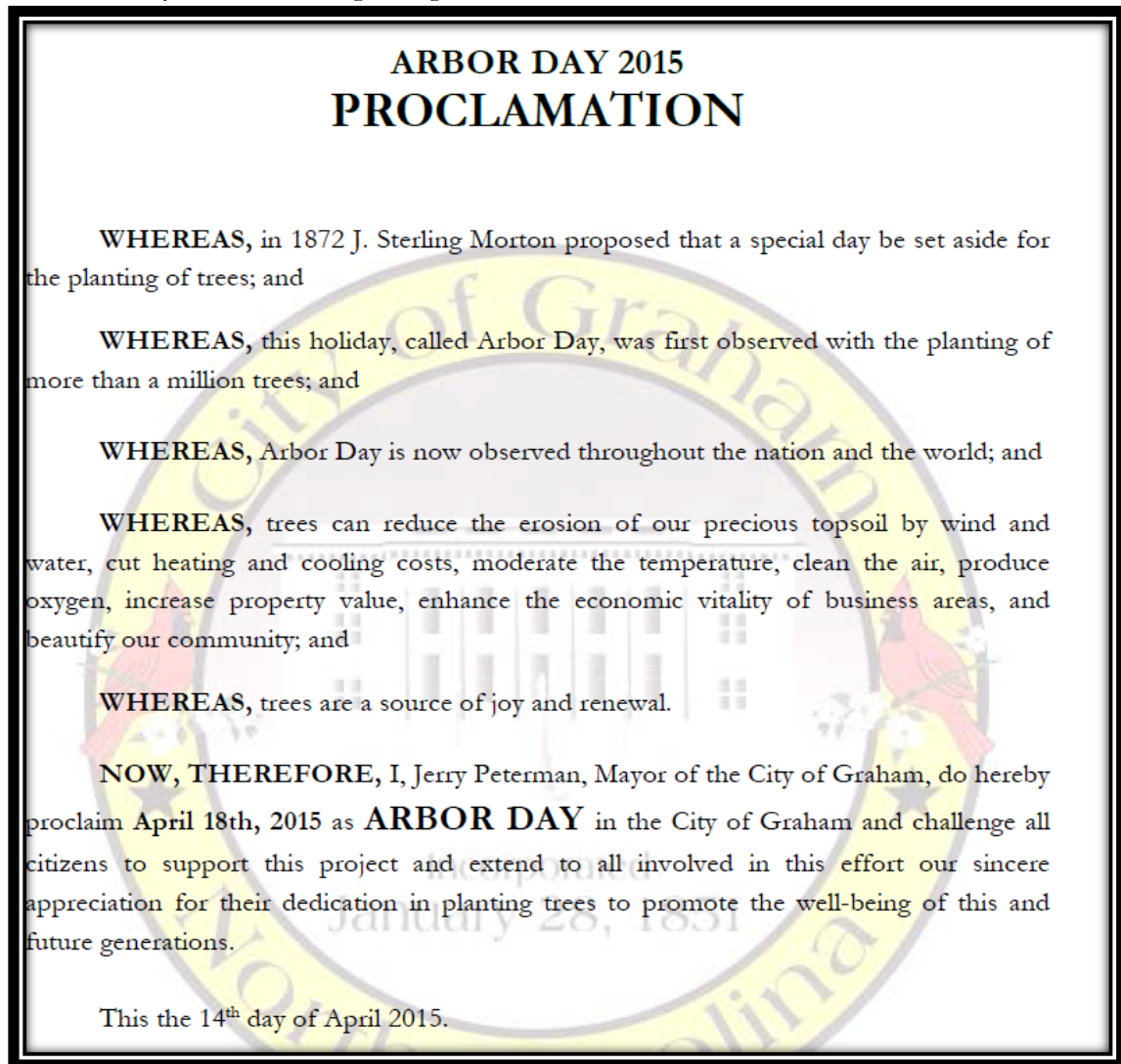
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Jimmy Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Honorary Proclamations:**

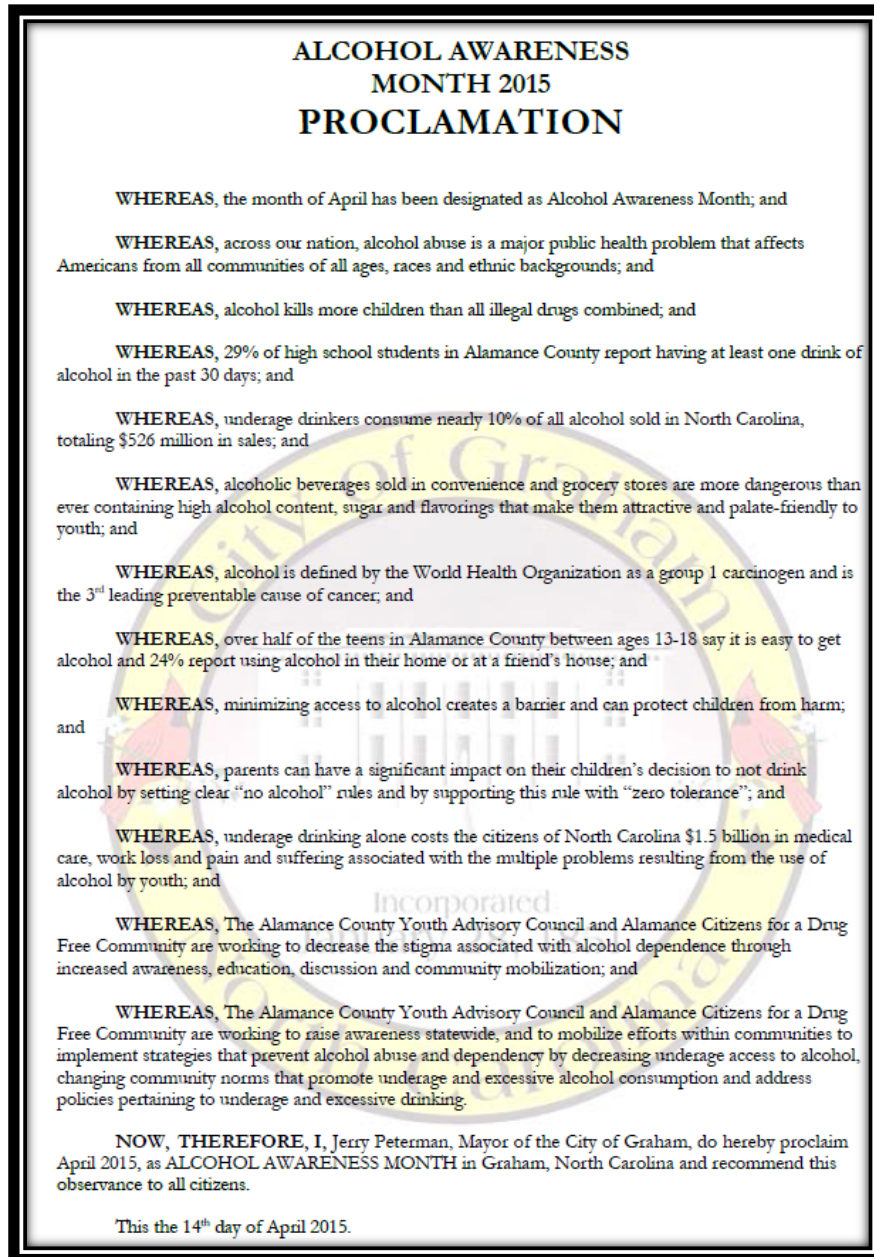
- **Fireman of the Year** - Mayor Jerry Peterman presented a proclamation to Nathan Newlin recognizing him as the 2014 Graham Fire Department's Fireman of the Year. Fire Chief John Andrews thanked Mr. Newlin for his service. Mr. Newlin thanked everyone for this award.



- **Arbor Day** – Mayor Peterman presented a proclamation to City of Graham Appearance Commission Chairman Elaine Murrin and declared April 18, 2015 as Arbor Day within the City of Graham. Ms. Murrin stated that the Annual Arbor Day Celebration will take place on Saturday, April 18, 2015 at the Children’s Museum of Alamance and welcomed all to attend the day’s festivities beginning at 11:00 a.m.



- **Alcohol Awareness Month** – Mayor Peterman presented a proclamation to Ms. Haley Ross of the Alamance County Advisory Council and declared April 2015 as Alcohol Awareness Month within the City of Graham. Ms. Ross advised that she is a freshman at the Burlington School and mentioned that the Advisory Council is currently working on a bill which would prohibit powdered alcohol to be sold in North Carolina. Ms. Ross thanked everyone for being such active members in our community.



### **Consent Agenda:**

- a. Approval of Minutes – March 3, 2015 Regular Session.*
- b. Budget Amendment; Riverwalk Subdivision Improvements.*
- c. Resolution to Amend the Regional Geographic Information System Agreement.*

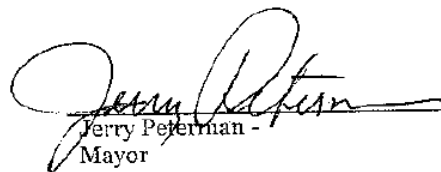
Mayor Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item "c. Resolution to Amend the Regional Geographic Information System Agreement."

Council Member Kimrey made a motion to approve items "a" and "b" on the Consent Agenda, seconded by Council Member Jim Albright. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2014 - 2015 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures			
	APPROVED	AMENDED	DIFFERENCE
10-3150-0000 LOC Funds	100	144,257	144,157
Section 2: General Fund Revenues			
10-5600-9904 Riverwalk LOC	0	144,257	144,257

This the 14th day of April, 2015.

  
Jerry Peterman -  
Mayor

ATTEST:

  
Darcy Sperry, City Clerk

Council Member Kimrey questioned City Manager Frankie Maness about the cost of the Regional Geographic Information System (GIS) appropriated in this year's budget versus what is being proposed in next year's budget. Mr. Maness stated that the cost is split between the General Fund and the Water/Sewer Fund and therefore the difference can be found in the Water/Sewer Fund by adding it to the appropriation in the General Fund.

Council Member Kimrey made a motion to approve item "c" on the consent agenda, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

## **RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS) AGREEMENT**

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, on August 14, 2001, the City of Burlington (hereinafter, "City"), and City of Graham and Town of Elon (hereinafter, "Partners") entered into a Regional Geographic Information System (ReGIS) Agreement; and

WHEREAS, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

WHEREAS, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

WHEREAS, the City and Partners recognize that a regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

WHEREAS, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost effective implementation of GIS-related management information systems,

WHEREAS, the current ReGIS Agreement will expire at the end of the fiscal year 2014-2015; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, THAT:

### Section 1:

Item 2 of the Regional Geographic Information System (ReGIS) Agreement—"Duration of Agreement"— be amended to extend the agreement through fiscal year 2018-2019.

### Section 2:

This resolution will take effect upon passage of identical resolutions by all ReGIS Partners.

Adopted this 14<sup>th</sup> day of APRIL, 2015, by the City Council of the City of Graham, North Carolina.

  
Jerry Peterman, Mayor  
City of Graham

## **Old Business**

***Quasi-Judicial Public Hearing: Apex View UBD & Community Center (SUP1501). Request by Thangaraju Muruegsan for a Special Use Permit for a Community Center and Unified Business Development on property located at 602 W Elm St (GPIN 8874759635).***

Mayor Peterman opened the Quasi-Judicial Public Hearing and polled the Council for any financial interests, fixed opinions or communications regarding the property. Council Member Kimrey disclosed that he attended the Planning & Zoning Board meeting and that at that meeting he heard testimony and evidence presented according to this item. Mayor Peterman asked Council Member Kimrey if he felt that it would sway his decision one way or another. Council Member Kimrey replied no. Mayor Peterman asked if anyone objected. No one objected.

City Clerk Darcy Sperry swore in City Planner Nathan Page and Special Projects Coordinator Michael Leinwand.

Mr. Page explained that this is a request by Thangaraju Muruegsan who intends to have a Unified Business Development which allows for multiple tenants. He further explained that there are three (3) buildings on site and the applicant is requesting to use one of the smaller units (approximately four-thousand (4,000) sq. ft.) as a Community Center.

Mayor Pro Tem Linens asked Mr. Page what the Planning Board's argument was on the drive thru. Mr. Page indicated that drive thru is currently going against the flow of traffic and that according to Graham Police Chief Prichard, there is a high likelihood of pedestrian conflict. Council Member Jim Albright asked Mr. Page what the current zoning is. Mr. Page advised that this site is split zoned between B-2 and I-1. Council Member Chip Turner asked Mr. Page if he knew what type of business the applicant wanted to put in here. Mr. Page stated that they would be able to do anything that is permitted in a Unified Business Development – which is similar to that which is permitted in the B-2 district. Council Member Kimrey asked Mr. Page if he knew what the building at the rear is currently used for or what it might be used for in the future. Mr. Page said he does not know. Mayor Peterman asked Mr. Page if the owner had any qualms about the removal of the drive thru. Mr. Page said none had been voiced to him. Council Member Albright asked Mr. Page if a previously mentioned possible grocery store or office space is permitted B-2 now. Mr. Page explained that currently they are permitted any single use or any single tenant occupy all three (3) spaces. He went on to say that the Unified Business Development restricts the uses, for example a daycare, but permits multiple business tenants in the same location.

Mayor Peterman asked if anyone from the floor wanted to speak on this. None were forthcoming. Being no further testimony, Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Members expressed concern that the applicant was not in attendance to answer questions. City Attorney Keith Whited advised the Council that they are within the legal guidelines should they choose to table this item to the May 5, 2015 regularly scheduled Council Meeting. Mr. Whited suggested a letter be sent to the applicant advising him of this.

Mayor Peterman made the motion that we table this until next month and during that time, we ask the staff to send him a letter telling him about us desiring him to be here next month, seconded by Council Member Turner. All voted in favor of the motion.

### **Requests and Petitions of Citizens**

City Manager Frankie Maness explained that this is a request for two (2) action items, both on the same application for a Non-Contiguous Annexation on Kimrey Road. Mr. Maness indicated the subject property is divided into two (2) tracts, totaling approximately eighty-eight (88) acres. Mr. Maness further explained that this is the first step in the annexation process which would require approval of the following:

- i. Approve Resolution requesting City Clerk to Investigate the Sufficiency.
- ii. Approve Resolution fixing date of Public Hearing on Question of Annexation.

Council Member Kimrey questioned Mr. Maness about the Inter-Local Agreement between the Cities of Graham, Mebane and the County. He asked if that agreement gives us the right to annex this property that is not in either Graham or Mebane's ETJ (Extra Territorial Jurisdiction). Mr. Maness advised that with an annexation, permission is not required by the County as long as we stay within the bounds of the State Statutes.

Council Member Kimrey made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.1 for Property on Kimrey Rd., seconded by Council Member Albright. All voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-58.1**  
**FOR PROPERTY ON KIMREY ROAD**


**WHEREAS**, a petition requesting annexation of an area described in said petition was received on March 31<sup>st</sup>, 2015, by the Graham City Council; and

**WHEREAS**, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City of Graham City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation:

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Graham that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

  
 Gerald R. Peterman, Mayor

ATTEST:

  
 Darcy L. Sperry, City Clerk

**CERTIFICATE OF SUFFICIENCY**

To the Graham City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1(b), in that:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the City of Graham and the City of Mebane primary corporate limits.
2. The petition includes the names and addresses of all owners of real property lying in the area described therein.
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the City;
5. Although closer to the City of Mebane, there is an annexation agreement in place that allows the annexation of the proposed satellite;
6. The satellite area is so situated that the City will be able to provide the same services as are provided within its primary corporate limits;
7. The proposed satellite area does not contain any portion of a subdivision;
8. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the City, does not exceed ten percent (10%) of the area within the primary corporate limits of the City [or indicate that the municipality has a modification to this requirement pursuant to an act of the General Assembly].

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 14<sup>th</sup> day of April, 2015.

  
City Clerk

SEAL



Mayor Peterman made the motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-58.2 for Property on Kimrey Rd – the date being May 5, 2015, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.



**RESOLUTION FIXING DATE OF PUBLIC HEARING**  
**ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**  
**FOR PROPERTY ON KIMREY ROAD**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main St., Graham, NC at 7:00pm on May 5, 2015.

Section 2. The area proposed for annexation is described as follows:

**TRACT 1 AREA TO BE ANNEXED**  
**METES & BOUNDS DESCRIPTION**

BEING A TRACT OF LAND SITUATED AT THE NORTHWEST RIGHT OF WAY OF KIMREY ROAD (S.R. 2125), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A CALCULATED POINT, THE POINT OF BEGINNING;

THENCE, IN A CLOCKWISE DIRECTION, N 54°37'42" E, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,030.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 51°06'15" E, 149.89 FEET TO A FOUND ¾" PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3352, PAGE 601, ACR;

THENCE, S 40°31'34" E, 2,757.64 FEET TO A FOUND ¾" PIPE ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH THE NORTHERLY RIGHT OF WAY OF KIMREY ROAD THESE FOLLOWING SEVEN (7) COURSES;

1. S 62°26'38" W, 214.93 FEET TO A CALCULATED POINT;
2. S 63°31'49" W, 130.18 FEET TO A CALCULATED POINT;
3. S 67°35'48" W, 218.73 FEET TO A CALCULATED POINT;
4. S 68°20'37" W, 305.36 FEET TO A CALCULATED POINT;
5. S 67°47'44" W, 316.89 FEET TO A CALCULATED POINT;
6. S 68°42'20" W, 171.75 FEET TO A CALCULATED POINT;
7. S 69°59'44" W, 129.24 FEET TO A CALCULATED POINT;

THENCE, N 40°23'47" W, 2,423.69 FEET TO POINT OF BEGINNING, AND CONTAINING 84.433 ACRES OR 3,677,901.57 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

**TRACT 2 AREA TO BE ANNEXED**  
**METES & BOUNDS DESCRIPTION**

BEING A TRACT OF LAND SITUATED AT THE NORTHEAST RIGHT OF WAY GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 42°43'16" E, A HORIZONTAL GRID DISTANCE OF 2205.66 FEET TO A FOUND #4 REBAR IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD (A 60' WIDE PUBLIC RIGHT OF WAY); **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, N 49°51'03" E, 35.78 FEET TO A CALCULATED POINT, ON THE EASTERN PROPERTY LINE OF THAT CARL A. WESTMAN PARCEL RECORDED IN BOOK 2976, PAGE 166, ACR;

THENCE, S 46°24'08" E, 40.91 FEET TO A CALCULATED POINT;

THENCE, N 60°06'44" E, 61.91 FEET TO A CALCULATED POINT;

THENCE, N 51°58'56" E, 192.96 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,970.00', A DELTA OF 001°23'56", AN ARC LENGTH OF 72.51 FEET AND A CHORD OF 72.51 FEET BEARING N 51°16'58" E TO A CALCULATED POINT;

THENCE, N 50°34'59" E, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,430.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 171.56 FEET AND A CHORD OF 171.53 FEET BEARING N 52°36'21" E TO A CALCULATED POINT;

THENCE, N 54°37'42" E, 1,307.72 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1,970.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 121.17 FEET AND A CHORD OF 121.16 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 51°06'15" E, 148.18 FEET TO A CALCULATED POINT ON THE WESTERLY LINE OF THAT KIMREY FARMS LLC PARCEL RECORDED IN BOOK 3304, PAGE 397, ACR;

THENCE, S 40°31'38" E, 60.00 FEET TO A FOUND ¾" PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3352, PAGE 601, ACR;

THENCE, S 51°06'15" W, 149.89 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,030.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING S 52°51'58" W TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 166.48 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,370.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 167.32 FEET AND A CHORD OF 167.29 FEET BEARING S 52°36'21" W TO A CALCULATED POINT;

THENCE, S 50°34'59" W, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 3,030.00', A DELTA OF 001°23'56", AN ARC LENGTH OF 73.98 FEET AND A CHORD OF 73.98 FEET BEARING S 51°16'58" W TO A CALCULATED POINT;

THENCE, S 51°58'56" W, 194.25 FEET TO A CALCULATED POINT;

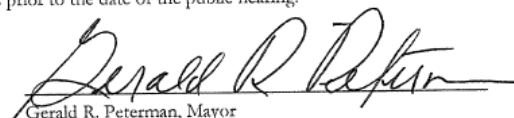
THENCE, S 42°53'55" W, 62.14 FEET TO A CALCULATED POINT;

THENCE, S 30°08'32" E, 85.24 FEET TO A CALCULATED POINT;

THENCE, S 51°43'22" W, 27.77 FEET TO A CALCULATED POINT IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD;

THENCE, N 38°16'38" W, 202.27 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 3.901 ACRES OR 175,618.05 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

  
Gerald R. Peterman, Mayor

ATTEST:  
  
Darcy L. Sperry, City Clerk

**Recommendations from Planning Board:**

**Public Hearing: Graham Manor (CR1501). Request by James B. Smith, United Developers, Inc. for a 56 unit senior apartment housing complex located on Auto Park Drive (GPIN 8883091817).**

Mr. Page explained that this request is to rezone the property from R-18 & I-1 to Conditional Residential. The purpose of the rezoning is to allow a senior rental community.

Mayor Peterman opened the Public Hearing. Council Member Kimrey asked Mr. Page if he was accurate with saying in neighborhood residential development, apartments are not listed as a use in a development checklist. Mr. Page replied that is correct.

Mr. Bill Owen, 1416 Pine Valley Loop Fayetteville N.C., addressed the Council on behalf of United Developers. Mr. Owen advised Council that United Developers has been in the affordable housing market for over thirty-five (35) years. He went on to say that they currently have built, own and manage over thirty-five hundred (3,500) units in N.C. and S.C. Mr. Owen said this community would be restricted to individuals over the age of fifty-five (55). He further stated that they commissioned a third party market feasibility for a senior development. Mr. Owen advised that the results of the study were very favorable and as a result, they notified by letter all adjacent property owners of their plan. They invited all of the property owners to an open meeting at the Civic Center to hear of their proposal. Mr. Owen showed those in tonight's attendance artist renderings of the development and indicated that all of the City's requirements with construction will be met.

Council Member Kimrey asked Mr. Owen about their guest policy. Mr. Owen stated that all guests must be registered and cannot stay longer than two (2) weeks per year. In addition, Council Member Kimrey inquired about on site management as well as tax credit repayment. Mr. Owen said that he anticipates that on site management would exceed thirty (30) hours per week. He further stated that annual federal tax credits to the states require the property to be maintained in how it is presented for a thirty (30) year period.

Council Member Albright inquired as to the tax credit application process. Mr. Owen stated that the preliminary application was submitted in January of this year. He went on to say that at that time, NC Housing Finance conducts a review of and scores each site. He indicated that they received the maximum score for this site. The final part of the application must be submitted by May 15, 2015. Council Member Albright asked Mr. Page what could happen to the property after thirty (30) years. Mr. Page stated that if this Conditional Residential is approved, then it would have to come before City Council to amend the Conditional Residential down the line.

Mr. Jim Smith, 2004 Raeford Rd Fayetteville N.C., stepped forward to answer additional questions from the Council regarding the monitoring of the guest policy. Mr. Smith explained that very rarely is a guest on site for the maximum two (2) week period. He said that with their other properties, it's normally the residents themselves that will bring to management's attention that there is someone on site that isn't supposed to be there. He stated that it's not an issue in their other developments. He went on to say that the reality of it is that most of their units, whether it be a one (1) bedroom or two (2) bedroom unit, only have one (1) person living in it.

Mayor Peterman asked about the buffering. Mr. Owen said that the fencing that they have been requested to include would be on three (3) sides. He anticipates that it will be a black chain link fence that will be located within the buffer area and would not be visible from the road. Mayor Peterman asked what the estimated time frame of the project will be if they are approved. Mr. Owen stated that they expect to be operational by the end of 2016.

Mr. Tom Boney, of the Alamance News, asked if only one (1) of these projects can be approved in Alamance County. Mr. Owen stated yes. Mr. Boney asked for confirmation that the Conditional Rezoning being requested was for this project only and could not be modified in the future should this project be approved and not receive funding. Mr. Page replied yes.

Being no further questions, Mayor Peterman closed the Public Hearing. Council Members discussed amongst themselves subjects such as the age requirement and the impact on schools being a non-factor with a project of this nature. Council Member Albright stated that the lack of opposition to the project speaks volumes.

Mayor Pro Tem Linens made the motion that the application be approved with the following conditions:

- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
- The size and layout of the stormwater treatment device will be evaluated as part of final site plan review. If these necessitate a shift in the location of buildings or parking, these revisions will maintain the general layout of the site as proposed and will conform to all ordinance requirements for multifamily, or they will be considered major revisions.
- A fence be provided between the undisturbed areas to the rear and sides of the property with the intention of safeguarding the residents from the undisturbed areas.
- The undisturbed area be undisturbed for at least 30 years;

And the application is consistent with the *City of Graham Growth Management Plan 2000-2020*. Council Member Albright seconded the motion. Ayes: Mayor Pro Tem Linens, Council Member Albright and Mayor Peterman Nays: Council Member Kimrey and Council Member Turner. Motion carried 3:2.

***Quasi-Judicial Public Hearing: Da Vita Dialysis (SUP8301). Request by Richard Porterfield to amend the Special Use Permit at Kourescent Properties (currently the Just Save), to allow for a new tenant on the vacant parcel on the corner of Auto Park and W Crescent Square Drive (GPIN 8883192554).***

Mayor Peterman opened the Quasi-Judicial Public Hearing and polled the Council for any financial interests, fixed opinions or communications regarding the property. Council Member Kimrey disclosed that he attended the Planning & Zoning Board meeting. Mayor Peterman asked Council Member Kimrey if he felt that would sway his decision one way or another. Council Member Kimrey replied no. Mayor Peterman asked if anyone objected. No one objected.

Ms. Sperry swore in Mr. Maness, Mr. Page, Mr. Leinwand, Mr. Greg Hill and Mr. Allen Hill.

Mr. Page explained that this is an application from Richard Porterfield, with Total Renal Care, to amend the Special Use Permit for the Kourescent Properties located on South Main Street along Crescent Square Drive and Auto Park. He further explained that the application is to build on the parcel to the extreme southwest proposed to be used for a DaVita Dialysis Center.

Council Member Kimrey asked Mr. Page about Staff's recommendation of sidewalks. Mr. Page indicated that the sidewalk request was to complete the network extending from South Main Street to Hanford Road. He stated that they were aware of the possible development of the senior housing complex previous to this request.

Mayor Peterman asked if anyone from the floor wanted to speak on this.

Mr. Greg Hill, 901 Moss Lane Winter Park, FL., addressed the Council. He indicated that he was representing Mr. Porterfield in this matter. Mr. Hill and Mr. Maness both advised that the engineers for both the project and the City have resolved storm water runoff issues and asked that the sidewalk in-lieu-of payment request be eliminated as a condition of approval. Council Member Kimrey inquired about offsite improvement vs. an onsite improvement pertaining to sidewalks. Mr. Maness stated that most of the sidewalks would be on existing DOT right of way, making the sidewalk not part of the site itself.

Being no further testimony, Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Member Kimrey made the motion that the application be approved with the following condition:

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued. As part of final site plan review, the layout of the parking and sidewalks may change to meet *Development ordinance* and other requirements, including NCDOT;

And adopt the Findings of Fact and Conclusions of Law as presented in the staff report and the application is consistent with the *City of Graham Growth Management Plan 2000-2020*. Council Member Turner seconded the motion. All voted in favor of the motion.

#### Findings of Fact and Conclusions of Law

1. All applicable regulations of the zoning district in which the use is proposed are complied with.

*The property is zoned B-2. "Unified Business Development" is permitted in the B-2 zoning district with a Special Use Permit. The proposed development meets the area, height and yard regulations. Signs will require a sign permit.*

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

*The following requirements are specific to this use:*

- Such developments shall abut a major thoroughfare, minor arterial, or collector street (existing or proposed). This existing Unified Business Development abuts NC 87/S Main St, which is a major thoroughfare.

- All uses permitted in the B-2 district are permitted in a Unified Business Development, with the exception of certain uses which are not permitted. Doctor's offices are permitted in the B-2 district and are not prohibited in a Unified Business Development.
  - All business establishments shall be retail or service establishments dealing directly with the public. The proposed office directly serves the public.
  - All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The proposed office is completely enclosed.
  - An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts. There are no adjacent residential districts that would require screening.
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

*The proposed office, to be located within an existing Unified Business Development, will not materially endanger the public health or safety.*

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

*The proposed office, to be located within an existing Unified Business Development, will not substantially injure the value of adjoining property.*

5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

*The proposed office, to be located within an existing Unified Business Development, is a commercial use that will be located in an existing highway commercial corridor and is in general conformity with the Growth Management Plan 2000-2020.*

6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

*Satisfactory provision has been made for vehicle circulation, parking, service entrances and areas, utilities, and lighting.*

**Public Hearing: Border St. Multifamily (RZ1501). Request by Chris Foust to rezone a parcel located at 515 Border Street from R-7 to R-MF (GPIN 8874877208).**

Mr. Page explained that this is a request by Chris Foust to rezone the property from R-7 to R-MF. He advised that the property is currently vacant. He said the stated reason for this rezoning is to allow for two (2) to three (3) attached duplex units.

Mr. Chris Foust, 1851 South Main Street Graham, N.C., stepped forward to give a brief overview of the project and to answer questions. He pointed out that the units would be similar to those he has previously built on Washington Street. A picture of that project was shown to those in attendance.

He indicated that the units would face Oakley Street and that he would be cutting down the lot a little – as it is a little steep right now. Council Member Turner asked Mr. Foust how much he intends to drop the grade. Mr. Foust replied probably two (2) feet. Mr. Boney asked Mr. Foust how many total units would be on the site. Mr. Foust indicated that there will be four (4) to five (5) total units.

Being no further questions, Mayor Peterman closed the Public Hearing.

Council Member Albright made the motion that the application be approved and that the application is consistent with the *City of Graham Growth Management Plan 2000-2020*, seconded by Council Member Kimrey. All voted in favor of the motion.

**Public Hearing: Patterson Place (CR0502). Request by Mark Richardson to amend the original Conditional Mixed-Use Residential application located on Cheeks Lane (GPIN 8883552739, 8883569808, 8883359916 and 8883367159).**

Mr. Page explained that this is a request by Mr. Mark Richardson to amend the original Conditional Mixed-Use Residential that was approved in 2005. He stated that amendment is just for the originally planned one hundred-twelve (112) unit townhomes in the southeast corner of the property accessible off of Cheeks Lane. The applicant is proposing an eighty (80) rental multi-family dwelling units for seniors. Mr. Page indicated that the site must now conform to storm water regulations due to the change from the original proposal.

Council Members and Mr. Page discussed the buffer area, the reduction in the number of units as well as how this new proposal impacts the proposed Southern Loop. Mr. Page pointed out that the new proposal does include buffering internal to the site and the right of way. In addition, Mr. Page said the developer would ensure the proposed Southern Loop location remain unchanged. He also indicated that the developer is reducing the number of units on this proposal but maintaining the same shape as the original townhome portion of the plan. Mr. Page stated that these units will not be owner occupied.

Mr. Nate Gainey, 413 Old Farm Drive Graham, N.C., expressed concern over a possible increase in heavy equipment in his neighborhood. Mr. Glenn Patterson, 1310 South Main Street Graham, N.C., spoke on behalf of the developer. He stated that the area to be developed is only on the Cheeks Lane side of the property. He mentioned that they will have to access the sewer on the Old Farm Dr. side of the property, but that should be the only time heavy equipment will be present in that area.

Mr. David Vanover, 506 Cheeks Lane Graham, N.C., asked about buffering between the proposed project and his property. Mr. Page indicated that the developer will be required to plant a type “B” standard planting yard which is required between a Multi-Family Residential and a Single Family Residence. Mr. Maness indicated that a type “B” planting yard is the second densest planting yard we have. Mr. Vanover also expressed concern over an increase in traffic and the inability to discharge firearms on his property due to units being located directly behind his rear property line. Mr. Maness pointed out that the density in what is being proposed is less than what has already been approved.

Mr. Brad Parker of Greenway Development stepped forward to speak on behalf of the developer. Mr. Parker gave a brief overview of the project – stating that it is similar to the Graham Manor project presented earlier in the evening. He said his project consists of single story, cottage style units with every unit having a front porch and rear patio. Mr. Parker stated that there is a high demand for affordable housing for seniors.

Mr. John Wood, 125 North Harrington Street Raleigh, N.C., spoke on behalf of Cline Design Associates. He stated that there will be twelve (12) separate buildings with six (6) to seven (7) units in it. He further stated that the project is designed for the active over fifty-five (55) year old community. Mr. Wood stated that because this proposal is for seniors and is a lesser unit count than previously proposed, the traffic volume is expected to be significantly lower than what a townhome project would produce.

Council Members asked Mr. Wood if the age restriction, on site management and the preliminary application steps would be similar to the Graham Manor project. Mr. Wood indicated they would be. Mr. Wood was asked if they exercise a management style similar to that of Graham Manor pertaining to visitors and to how many residents allowed per bedroom. Mr. Wood stated that they follow the same policies.

Being no further questions, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made the motion that the application be approved with the following conditions:

- The project will supply a sidewalk along Cheeks Lane.
- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued;

And the application is consistent with the *City of Graham Growth Management Plan 2000-2020*. Council Member Albright seconded the motion. Ayes: Council Member Kimrey, Council Member Albright, Mayor Peterman and Mayor Pro Tem Linens Nays: Council Member Turner. Motion carried 4:1.

**Public Hearing: City of Graham Comprehensive Plan 2035. Review of the final draft and adoption.**

Mr. Roger Walden of Clarion Associates gave an overview of the plan being proposed. He stated that he believes the Comprehensive Plan should answer three (3) questions:

- Where are we today?
- Where do we want to go?
- How do we get there?

Mr. Walden stated that they have spent the past year and a half working on this plan. He stated that during this time, they gathered information from a variety of interviews done with members of the community.



In addition, Clarion Associates interviewed stakeholders, held several public meetings and reviewed internet inquiries. Based on these interviews, they built the components of this plan – identifying the key issues as:

- Building upon our Community Character
- Bringing Business to Graham
- Accessing Local and Regional Opportunities
- Enhancing our Public Facilities and Services
- Expanding our Housing Options
- Conserving our Natural Environment

Mr. Walden spoke of existing land use patterns as well as future land use. He stated that the future land use map will establish desired development patterns and will serve as a blueprint for future growth. He also explained that the future land use map will also serve as a guide for future zoning decisions made in Graham. Mr. Walden identified the key issues with the land use map as the North Carolina Commerce Park (NCCP), the downtown area, the areas around the interstate interchanges, residential developments and several policy statements that try to take advantage of the infrastructure already in place.

Council Members discussed with Mr. Walden the Planning Board's recommendation that there be notification given to all citizens about the change their property may encounter with the adoption of this plan. It was noted that there has been an extensive outreach to the public, including but not limited to, multiple public meetings, mailings and information posted on the internet. Mr. Walden was asked if he felt there were any key areas that would need personal notification. He said he did not believe there were. Council Members expressed concern over adopting this plan without further reviewing it. Council Members ultimately decided that they would like to schedule a workshop to review the plan and make any changes in the plan or decisions regarding notification at that time.

Mayor Peterman asked Mr. Maness to schedule a future workshop to review the 2035 Comprehensive Plan in greater detail.

### **An Ordinance of the City Council of the City Of Graham, Amending Chapter 10 – Cemeteries of the Code of Ordinances of the City of Graham, North Carolina**

Mr. Leinwand explained that Staff has been working on an ordinance creating a Cemetery Perpetual Care Fund, to be used as a guide for Staff and Council to spend funds collected from Graham's two (2) cemeteries. Mr. Leinwand stated that without a Perpetual Care Fund Ordinance, the monies in the cemetery fund will continue to accumulate and earn interest. The funds cannot be expended nor earmarked without an ordinance, and the City's General Fund will continue to be used exclusively for the operation and maintenance of the cemeteries.

Council Members and Staff discussed costs associated with maintaining the City's cemeteries. Mr. Maness stated that the interest we earn is nowhere near enough to cover the expenses of maintaining the cemeteries. Mr. Maness further explained that the principal in this fund will never be spent while the interest would be expendable for the maintenance and appearance of the cemeteries.

Mr. Maness went on to say that this Ordinance would help supplement those funds currently allocated in the General Fund.

Council Member Turner made the motion to approve the Ordinance to adopt Sect. 10-34 Cemeteries Perpetual Care Fund, seconded by Council Member Albright. All voted in favor of the motion.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM,  
AMENDING CHAPTER 10 – CEMETERIES OF THE CODE OF ORDINANCES  
OF THE CITY OF GRAHAM, NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

**Sec. 1.** That Chapter 10, Sec. 10-34 of the Code of Ordinances, City of Graham, North Carolina, is hereby added;

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**Sec. 10-34. Cemeteries perpetual care fund.**

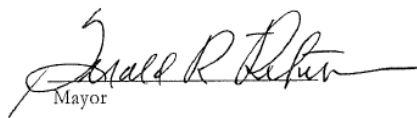
- (a) *Definition.* The term "perpetual care" means the cutting of grass upon plots in the cemeteries described in subsection (b) of this section at reasonable intervals, the pruning of shrubs and trees that may be placed by the city, the general preservation of the lots, grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or grave spaces, the planting of flowers or ornamental plants; the reconstruction of any bronze, marble, granite or concrete work on any section or lot or any portion or portions thereof in the cemetery, mausoleum or other buildings or structures, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral, other than that as provided in this section.
- (b) *Established.* A fund, known as the Cemeteries Perpetual Care Fund, shall be established for the purpose of perpetually caring for and beautifying the city cemeteries. The city may accept gifts and bequests to the fund upon such terms as the donor may prescribe.
- (c) *Management of fund.* The principal of the fund shall be invested in the same manner as other city funds. Principal is defined as income from the sale of cemetery plots.
- (d) *Expenditure of income.* Perpetual care expenditure shall be limited to the income received from the investments of the fund with no part of the principal being expended.

**Secs. 10-35 – 10-54. – Reserved.**

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**Sec. 2.** That this Ordinance shall be in full force and effect on April 14, 2015 and upon publication, as provided by law

This the 14<sup>th</sup> day of APRIL, 2015.

  
Mayor

ATTEST:

  
City Clerk

**Issues Not Included on Tonight's Agenda**

Council Member Albright informed those in attendance that they hoped that the fountain located between the Graham Library and the Children's Museum of Alamance would be dedicated next week commemorating the children of Alamance County.

At 10:06 p.m. Mayor Peterman made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk